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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

ALEJANDRO AVALOS,
Defendant.

CASE NO: 2:21-cr-00092-JAD-VCF

**STIPULATION TO CONTINUE
SENTENCING HEARING**

(Second Request)

IT IS HEREBY STIPULATED AND AGREED by ALEJANDRO AVALOS, by and through his attorney, THOMAS A. ERICSSON, ESQ., and the United States of America, by and through KIMBERLY SOKOLICH, ESQ., Assistant United States Attorneys, that the sentencing hearing currently set for September 27, 2021, be vacated and continued for at least 30 days to a date convenient for the Court.

The request for a continuance is based upon the following:

1. Defense counsel Thomas Ericsson was appointed to represent Mr. Avalos on August 31, 2021. ECF 57.
2. Newly appointed defense counsel requires sufficient time and opportunity to prepare for sentencing.

3. The parties in this case also request additional time to complete the pre-sentencing preparations that may arise.
4. Defense Counsel for Alejandro Avalos has spoken to his client, who is in custody. Mr. Avalos does not oppose the continuance.
5. Defense Counsel for Alejandro Avalos has spoken to Assistant United States Attorney Kimberly Sokolich, and the Government has no objection to the continuance.
6. Denial of this request for continuance would deny the Defendant the opportunity to effectively prepare for sentencing.
7. The additional time requested herein is not sought for purposes of undue delay.
8. Additionally, denial of this request for continuance could result in a miscarriage of justice.
9. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

Dated: September 22, 2021

Respectfully submitted,

/s/ Thomas A. Ericsson
Thomas A. Ericsson, Esq.
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Attorney for Alejandro Avalos

/s/ Kimberly Sokolich
Kimberly Sokolich, Esq.
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Attorney for the United States of America

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**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

(Second Request)

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. Defense counsel Thomas Ericsson was appointed to represent Mr. Avelos on August 31, 2021. ECF 57.
2. Newly appointed defense counsel requires sufficient time and opportunity to prepare for sentencing.
3. The parties in this case also request additional time to complete the pre-sentencing preparations that may arise.
4. Mr. Avalos does not oppose the continuance.
5. Defense Counsel for Alejandro Avalos has spoken to Assistant United States Attorney Kimberly Sokolich, and the Government has no objection to the continuance.
6. Denial of this request for continuance would deny the Defendant the opportunity to effectively prepare for sentencing.
7. The additional time requested herein is not sought for purposes of undue delay.

1 8. Additionally, denial of this request for continuance could result in a
2 miscarriage of justice.

3 9. The additional time requested by this Stipulation is excludable in computing
4 the time within which the trial herein must commence pursuant to the Speedy
5 Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering
6 the factors under Title 18, United States Code §§ 3161(h)(7)(B)(i) and
7 3161(h)(7)(B)(iv).

8 **CONCLUSION OF LAW**

9 The ends of justice served by granting said continuance outweigh the best interests of
10 the public, since the failure to grant said continuance would be likely to result in a miscarriage
11 of justice, would deny the defendant sufficient time and the opportunity within which to be
12 able to prepare effectively for sentencing, taking into account the exercise of due diligence.

13 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
14 United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United
15 States Code §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

16 **ORDER**

17 IT IS THEREFORE ORDERED that the sentencing hearing currently scheduled for
18 September 27, 2021, at the hour of 3:00 p.m. be vacated and continued to November 8, 2021,
19 at 2:00 p.m.
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21
22 DATED AND DONE this 23rd day of September, 2021.
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25 
26 UNITED STATES DISTRICT JUDGE
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